

FILED

2008 AUG 18 PM 1:43

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY PM DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TONY MARBRY,

Petitioner,

v.

L. E. SCRIBNER, Warden,

Respondent.

Civil No. 08-0965 BEN (LSP)

**ORDER DENYING IN FORMA
PAUPERIS APPLICATION AS
MOOT**

On May 27, 2008, Petitioner, a state prisoner proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. On June 12, 2008, the Court dismissed the case for, among other things, failure to satisfy the filing fee. On July 22, 2008, Petitioner, paid the \$5.00 filing fee. On August 1, 2008 the Court reopened the case and set a briefing schedule. Subsequently, on August 7, 2008, Petitioner filed a motion to proceed in forma pauperis. Because Petitioner has paid the filing fee, the Court **DENIES** Petitioner's application to proceed in forma pauperis as moot.

IT IS SO ORDERED.

DATED: 8/15/08

Roger T. Benitez
United States District Judge